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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/263,928      06/21/94      SCHLOSSARCYZK

H      355930WAB30

EXAMINER

KORYTNYK, P

ART UNIT

PAPER NUMBER

9

3403

DATE MAILED:

06/12/95

34M2/0612  
MELTZER LIPPE GOLDSTEIN WOLF SCHLISSEL  
AND SAZER  
190 WILLIS AVENUE  
MINEOLA, NY 11501

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined      ☒ Responsive to communication filed on 3/23/95 + 4/13/95      ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.  | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-18 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-3 are rejected.
5. ☒ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 3/23/95, has (have) been ☒ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

**EXAMINER'S ACTION**

Art Unit: 3403

**Part III     DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Holdsworth ('119). Holdsworth discloses an air compressor comprising a suction chamber 9 connected to a compression chamber, formed by cylinder 7 and piston 20, the connection being made via an inlet valve 17. An outlet chamber 14 is connected to the compression chamber via discharge valve 18 and an admixture chamber 13 is connected to the compression chamber via valve 21 during an idling mode (when the valve 15 is closed). Valve 27 acts to control the operation of the variably controlled valve 21 to lock open or closed the connection between the compression chamber and the admixture chamber and maintain a predetermined pressure therein.

***Allowable Subject Matter***

3. Claims 4-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

***Response to Amendment***

4. Applicant's arguments filed 3/23/95 and 4/13/95 have been fully considered but they are not deemed to be persuasive. The examiner acknowledges the amendments to the specification and receipt of new figures 1A and 1B. In response, the objections to the specification and the drawings have been withdrawn. Explanation of the phrases "pressure regulator control" and "governor control" is appreciated and relied upon to provide a teaching of the terms used in the specification. Regarding the arguments directed to the operation of the patent to Holdsworth, it is brought to the applicant's attention that valve 21 is not an outlet valve, but rather is read as constituting the additional valve of the instant invention, which controls communication between the compression and additional chambers. The operation of the valve, as discussed in the remarks section of the amendment, as controlling communication between compression and atmosphere is therefore considered incorrect. In Holdsworth, valve 18 is seen as the outlet valve, chamber 14 is seen as the outlet chamber, chamber 13 is seen as the additional chamber, the compression chamber is not numbered and the suction chamber is shown at 9. The piping behind the additional valve 21

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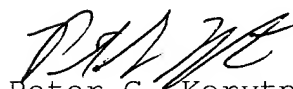
is a pressure biased control for the additional valve which utilizes outlet fluid pressure to provide a biasing force against the valve which provides switchable operation of load or idling operations depending on the pressure in the outlet chamber and the compression chamber.

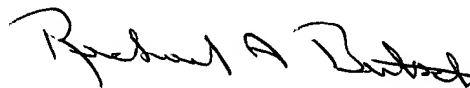
#### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Korytnyk whose telephone number is (703) 308-2632. The Fax number is (703) 305-3463.

  
Peter G. Korytnyk  
Patent Examiner - Group 3403  
June 6, 1995

  
**RICHARD A. DERISCH**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 3403**